



MAY 20, 2016

The Honorable James Orenstein
U.S. District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Daniels, et al. v. City of N.Y., et al., No. 16 Civ. 190 (PKC) (JO)

Dear Judge Orenstein:

I represent Plaintiffs Amber Daniels and Anthony Wade in the above-captioned Section 1983 litigation challenging, *inter alia*, Individual Defendants' search of Mr. Wade's apartment ("the Apartment");¹ the manner in which Individual Defendants executed the search (particularly with respect to Ms. Daniels); Individual Defendants' arrest of Mr. Wade and Ms. Daniels; and Individual Defendants' or NYCHA's padlocking² of the Apartment for nearly months following the search.³

I write with Corporation Counsel's permission to submit this joint status report in anticipation of the May 24, 2016 pretrial conference.

The May 24, 2016 conference was scheduled as a status conference with either "a joint status report" or "respective *ex parte* statements of settlement position" to be submitted in advance of the conference. In light of the litigation's posture, which I will describe below, the Parties have conferred and the City requested that the Parties prepare a joint status report in advance of the status conference. Plaintiffs have no objection.

As the Court may recall, certain questions were raised at the April 19, 2016 initial conference with respect to Plaintiffs' theory of the case. Thus the May 24, 2016 conference was set in order to permit Plaintiffs, among other things, to collect and to study the search warrant application underlying certain claims as well as NYCHA and other material relevant to this case. Over the course of the past month, the following has occurred:

- The City has located and produced to Plaintiffs the redacted search warrant application.

¹ In this status report I will at times refer to plural Defendants because Plaintiffs contend that multiple New York Police Department Officers' acts violated their rights. At other times I will refer to one single Defendant—the City of New York ("the City"). The reason for this distinction is because, at this writing, Corporation Counsel has only made an appearance on behalf of the City.

² It remains an open question whether the NYPD or NYCHA was responsible for the padlocking, but the Parties have a pending FOIL request with NYCHA which may shed light on that question.

³ This brief factual summary is derived from Plaintiffs' Complaint. Defendant City makes no representation as to the alleged facts in this status report. Defendant City previously filed an Answer to the Complaint.

- Plaintiffs have collected various NYCHA documents in their own possession relating to the Apartment and disclosed this material to the City.
- The Parties have made an expansive Freedom of Information Law (“FOIL”) records request of NYCHA relating to the Apartment and its padlocking for months after the July 2014 search and arrest. Upon information and belief, NYCHA is still processing this FOIL request. The Parties hope to receive the NYCHA records before the May 24, 2016 conference.
- The City anticipates speaking with Defendant NYPD Officer Jon Gladstone early next week prior to Defendant NYPD Officer Jon Gladstone’s May 26, 2016 answer deadline.

Thank you,



Ryan Lozar
Attorney for Plaintiffs